

FILED**UNITED STATES DISTRICT COURT**

FEB 10 2020

for the

Eastern District of California

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

United States of America)

v.)

Case No.)

GARY LEE BRIGGS)

7: 20 MJ 00025 SKO

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/27/2019 - 12/1/2019 in the county of Fresno in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,
Section 2252(a)(2)

Receipt and Distribution of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit of Homeland Security Investigations Special Agent Monique Jacques (which is incorporated by this reference).

☒ Continued on the attached sheet.

Complainant's signature

Monique Jacques, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

February 10, 2020

City and state:

Fresno, California

Judge's signature

Hon. Sheila K. Oberto - U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AGAINST GARY LEE
BRIGGS

I, Monique Jacques, being duly sworn, hereby depose and state as follows:

1. I have been employed as a special agent of Homeland Security Investigations (HSI) since April 2019, and I am currently assigned to the Office of the Assistant Special Agent in Charge, Fresno, California. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I am currently assigned to the Office of the Assistant Resident Agent in Charge, Fresno, California, and has been so assigned since April 2017. Prior to my current field office, I was stationed at the Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Sub Office in Fresno, California since June 2008 and was a HSI Task Force Officer (TFO) from April 2017 until April 2019. Prior to that I was stationed at the Customs and Border Protection (CBP) seaport in Long Beach, California from January 2008 to June 2008. I have attended the Federal Law Enforcement Training

Center (FLETC) and completed the Customs and Border Protection program, Immigration and Customs Enforcement (ICE) ERO Training courses, Criminal Investigator Training Program (CITP) and HSI Special Agent Training program. As part of my daily duties as a HSI SA, I investigate criminal violations by persons involved in criminal violations relating to the unlawful possession, receipt and distribution of child Pornography. I have received training in the area of Sexual Exploitation of Minors/Child Exploitation and Child Pornography statutes. During the course of my duties, I have participated in multiple cases involving unlawful possession, receipt and distribution of child Pornography. I am currently a member of the Central Valley Internet Crimes Against Children (ICAC) task force and I have participated in the service of dozens of state and federal search warrants relating to the internet, including the receipt, distribution, and possession of child pornography.

2. This affidavit supports a criminal complaint against Gary Lee BRIGGS for violating the following federal statute:

a.) 18 U.S.C. § 2252(a)(2), which makes it a crime to knowingly receive or distribute any visual depiction using any means or facility of interstate or foreign

commerce or that has been mailed, shipped, or transported in interstate or foreign commerce, or which contains materials which have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and the depiction is of such conduct.

3. The information contained in this affidavit is based upon my personal observations, training and experience, and where noted, information related to me by other law enforcement officers and/or agents.

4. In January 2020, the Central California Internet Crimes Against Children (ICAC) Task Force received six (6) separate CyberTips from the CyberTipline at the National Center for Missing & Exploited Children (NCMEC). The information provided indicated that a Facebook account utilizing email address "garybriggs57@yahoo.com" and Screen/User Name "gary.briggs.52056", uploaded multiple files containing child exploitation material. The information provided indicated that the above username uploaded sixty five (65) total videos of possible child sexual exploitation material (child pornography) to multiple accounts through Facebook messenger. Log

information provided by Facebook Messenger indicated that the files were uploaded from a Facebook account user that had logged into the account utilizing internet protocol (IP) Address 99.203.41.82. The uploads from Facebook Messenger occurred from September 2019 through November 2019 through various IP addresses. Subscriber information provided by Facebook Messenger for account "Gary Briggs"; Screen/Username "gary.briggs.52056", indicated the following email account was associated with the user, garybriggs57@yahoo.com. Through training and experience, I know that Facebook Messenger is an instant messaging application for mobile devices that allows users to attach videos and/or images to messages sent to other Facebook Messenger users.

5. On or around February 4, 2020, the contents of the Facebook referral were provided to me, and I have viewed the items as referred below. Fresno County Sheriff's Office, Computer Forensic Examiner, Detective Kenneth Kalar also viewed the items as referred below and concurred that the images depicted male minors involved in sexually explicit conduct. As set forth below, each of these items contain child pornography and were uploaded onto the Facebook messenger social media platform for other

Facebook Messenger users to access from September 2019 to November 2019.

a. On September 27, 2019, at approximately 22:54:56 UTC Facebook Messenger "Gary Briggs" uploaded a video titled "1kkewjfkfjw5c8c4c65242075_2434479716573049_8531609409858977102_n.mp4" to Facebook Messenger account "Kenton Duell" from IP Address 2600:1:9904:c4aa:45eb:edb2:84a1:7e69. The video is twenty-seven seconds in duration. The video depicts a male child who appears to be approximately twelve to fourteen years old being penetrated by an unidentified male penis. The child faces the camera without any clothes on and on top of the unidentified male's waist with the child's legs spread apart. The child sits on top of the unidentified male's penis while looking towards the camera. The camera's view is between the legs above the pubic area of both males with the child's chest, face and penis in the camera's view. The child then moves up and down while the unidentified male's penis sodomizes the child's anus.

b. On November 5, 2019, at approximately 05:16:03 UTC Facebook Messenger "Gary Briggs" uploaded a video titled "d7hhm6pbifk8wws870130388_2346153945440393_9052829684663391647_n.mp4" to Facebook Messenger account "Wes Thomas" from

IP Address 2600:1:990c:2656:e1bc:a933:cc0c:a11b. The video is forty-three seconds in duration. The video depicts one male child. The child appears to be approximately twelve to fifteen years of age. The child has his pants pulled down to his knees lying on his back with his legs spread. The camera is facing the child's anus with the view of the child's face behind the waist, knees and anus. The child begins to repeatedly touch his penis and penetrate his anus with his fingers.

c. On December 1, 2019, at approximately 18:19:05 UTC Facebook Messenger "Gary Briggs" uploaded a video titled "3iey87w6e48wg44877318832_2470290666421806_5305007526778613750_n.mp4" to Facebook Messenger account "Abel Sepulveda" from IP Address 2600:1:9926:ee34:e59c:76c9:c6ad:9f7. The video is two minutes and forty-three seconds in duration. The video depicts two males who appear to be ten to fourteen years of age. One child is lying on his stomach in front of the camera with his shorts and underwear pulled down to just above his knees. There is another child with his shorts pulled down to his knees and his underwear pulled down in the front to expose his penis, penetrating the other child's anus with his penis. At one point in the video the child on top stops to apply what appears to be a

lubricant to his erect penis and to the anus of the second child and then continues the sexual contact. Towards the end of the video the child being penetrated rolls on to his side to expose his penis while the child behind him continues to sodomize him.

5. On January 3, 2020, the Fresno Police Department (FPD) responded to a call for service at 3165 W Shields Ave #236 in Fresno, CA 93722 regarding a known sex offender, Gary BRIGGS, attempting to get an eight-year-old male child to enter his (Briggs's) apartment. Upon the officer's contact with BRIGGS, he admitted to having had his Facebook account shut down because someone had sent him child pornography. He explained it had been on his ZTE phone which he was planning on disposing of. He further admitted to feeling attracted to the child involved in that call for service and having invited the child into his apartment to watch a movie, to "test" himself to see if he could withstand his urges towards the child. BRIGGS likened himself to an addict and stated he did not know what would have happened had the child entered his apartment that day. FPD officers seized BRIGGS current cell phone, a Samsung phone, his old cell phone which he described as having used when he was sent the apparent child pornography on Facebook, the ZTE phone, and a thumb drive on his key

chain. On January 10, 2020, FPD Detective Cassandra Stevens authored a State warrant for those devices. The honorable Judge Hoff signed the warrant. On January 13, 2020, Fresno County Sheriff's Office Detective Kenneth Kalar, assigned to the ICAC task force, conducted a forensic analysis of the devices that had been seized from BRIGGS. The Samsung phone contained evidence of use of the email address garylbriggs17@gmail.com which is the same email address associated with the cyber tip. In addition, the ESP (Electronic Service Provider) user ID found on the device under Passwords matches that listed in the cyber tip (100043746306277). Listed under Chats on the forensic analysis of the Samsung is a message time stamped at December 20, 2019 08:27:57 pm to "Joey Mills" in which BRIGGS stated that about a week earlier Facebook had suspended him for three days for sending sexually explicit material. All of the chats on the Samsung device from Facebook involve BRIGGS contacting males and asking for photos and videos he described as "gay pornos". BRIGGS told many of the males he contacts that he is 20 years old. He sent messages to a user who stated he was 14 years old and told the person he is "cute" and that BRIGGS found him attractive. BRIGGS mentioned in several of the chat streams that he continued to be suspended from Facebook for

violating their community standards for sending pornographic videos. BRIGGS also communicated in chats that his prior Facebook account was shut down and he lost much of his pornographic content stored in it and was attempting to gather more videos and images for his possession.

6. On the basis of the information contained in this affidavit, it is my belief that there is probable cause to conclude that Gary Lee BRIGGS has committed violations of 18 U.S.C. § 2252(a)(2) for receiving and distributing images of a minor engaged in sexually explicit conduct.

7. Because this affidavit is written solely for the purpose of establishing probable cause for issuance of a criminal complaint, not every fact related to this investigation has been included.

//

//

//

//

//

//

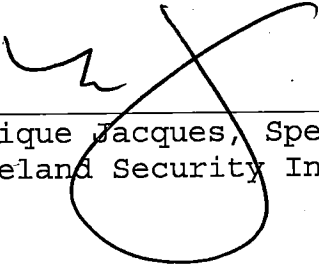
//

//

//

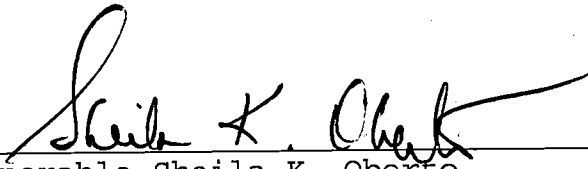
//

I declare under penalty of perjury under the laws of the United States that the information above in paragraphs 1-7 is true and correct.



Monique Jacques, Special Agent
Homeland Security Investigations

Sworn to before me, and subscribed in my presence,
This 10th day of February 2020.



Honorable Sheila K. Oberto
United States Magistrate Judge